

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff

vs

Case No. 3: 16-CR-16
Judge Thomas M. Rose

MERLE LUNSFORD

Defendant

ENTRY AND ORDER GRANTING DEFENDANT'S MOTION FOR PRETRIAL
DETERMINATION (DOC. 40) AND FINDING THAT DEFENDANT WOULD NOT
PRESENTLY QUALIFY AS AN ARMED CAREER CRIMINAL

This matter comes before the Court pursuant to Defendant's Motion for Pretrial Determination as to whether Defendant is an Armed Career Criminal as defined by 18 U.S.C. §924(c) (Doc. 40).

The Government filed a Response (Doc. 42) to said Motion conceding that the Defendant does not presently qualify as an Armed Career Criminal and for the 15 year mandatory minimum sentencing enhancement, pursuant to 18 U.S.C. §924 (e) (1) if he was convicted of Count 3 of the Indictment returned by the Grand Jury on February 9, 2016 in this captioned case.

This Court, after a review of all applicable state and federal court documents relevant to the Defendant's prior criminal convictions, and considering those as well as the arguments presented by counsel and in accordance with the United States Supreme Court's decision in *Johnson v. United States*, 1355 S.Ct. 2551 (2015) finds that Defendant, Merle Jay Lunsford, would not presently qualify as an Armed Career Criminal and the 15 year mandatory minimum sentencing enhancement pursuant to 18 U.S.C. §924(e)(1) if he is convicted of violations of 18 U.S.C. §§922(g)(1) and 924(e) (1) as stated in Count 3 of the Indictment returned by the Grand Jury on February 9, 2016 in this captioned case.

IT IS SO ORDERED.

July 6, 2016

THOMAS M. ROSE

Thomas M. Rose, Judge
United States District Court